

Docket No.: M1071.1920  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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In re Patent Application of:

Soshu Kirihara et al.

Application No.: 10/509,730

Confirmation No.: 9942

Filed: September 30, 2004

Art Unit: 1775

For: THREE DIMENSIONAL PERIODIC  
STRUCTURE AND METHOD OF  
PRODUCING THE SAME

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Examiner: Gordon Baldwin

**RESPONSE TO NON-FINAL OFFICE ACTION**

MS Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

**INTRODUCTORY COMMENTS**

In response to the Office Action dated November 11, 2006, please consider the above-identified U.S. patent application in light of the following response.

**Remarks/Arguments** begin on page 3 of this paper.

### FEE CALCULATION

Any additional fee required has been calculated as follows:

\_\_\_\_\_ If checked, Small Entity status is claimed.

|   | No. Claims<br>After<br>Amendment |       | Highest<br>No.<br>Previously<br>Paid For |   | Extra<br>Present |   | Rate | Additional<br>Fee |
|---|----------------------------------|-------|--|---|------------------|---|------|-------------------|
| Total   | 13                               | MINUS | 20**                                     | = | 0                | X |      | \$                |
| Indep.  | 1                                | MINUS | 3**                                      | = | 0                | X |      | \$                |
| First presentation of multiple dependent claim(s) |                                  |       |  |   |                  | X |      | \$                |
| TOTAL   |                                  |       |  |   |                  |   |      | \$ -0-            |

\* not less than 20

\*\* not less than 3

In the event the actual fee is greater than the payment submitted or is inadvertently not enclosed or if any additional fee during the prosecution of this application is not paid, the Patent Office is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 50-2215.

### CONTINGENT EXTENSION REQUEST

If this communication is filed after the shortened statutory time period had elapsed and no separate Petition is enclosed, the Commissioner of Patents and Trademarks is petitioned, under 37 C.F.R. § 1.136(a), to extend the time for filing a response to the outstanding Office Action by the number of months which will avoid abandonment under 37 C.F.R. § 1.135. The fee under 37 C.F.R. § 1.17 should be charged to our Deposit Account No. 50-2215.